

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

VICKIE KING,

Plaintiff,

v.

**AMERICAN GENERAL LIFE AND
ACCIDENT INSURANCE COMPANY,**

Defendant.

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Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant American General Life Insurance Company (formerly known as American General Life and Accident Insurance Company, which has merged into American General Life Insurance Company, with American General Life Insurance Company as the surviving corporate entity) (“American General”), hereby gives notice of the removal of this action from the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis to the United States District Court for the Western District of Tennessee, and respectfully states as follows:

1. On or about November 12, 2013, Plaintiff Vickie King (“King”) commenced the above-styled action by filing a Complaint in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis (the “Circuit Court”), Case No. CT-004892-13 (the “Civil Action”). The Complaint is attached hereto as **Exhibit A** and incorporated herein by reference.

2. American General was served with a copy of the Complaint and Summons via service upon the Tennessee Department of Commerce and Insurance on November 18, 2013.

The Summons served with the Complaint is attached hereto as **Exhibit B** and incorporated herein by reference. American General timely removes this action within thirty days of service on American General.

3. This Court has diversity jurisdiction over this Civil Action under 28 U.S.C. § 1332, and this Civil Action is one that may be removed to this Court by American General pursuant to 28 U.S.C. §§ 1441 and 1446:

- a. In the Complaint, King alleges that she is a resident of the State of Tennessee. (Compl. ¶ 2.)
- b. Effective December 31, 2012, American General Life and Accident Insurance Company, a Tennessee company, merged into American General. American General is a Texas company with its principal place of business located at 2119 Allen Parkway, Houston, Texas 77019.
- c. King seeks a judgment declaring that American General is liable to King for \$100,000.00, plus interest, statutory penalties and attorney's fees. (*See* Compl. at 4.)
- d. Thus, diversity jurisdiction is proper because there is complete diversity among the parties and the amount in controversy is over \$75,000.00.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a), as this Court is within the district and division where the Civil Action is pending.

5. Pursuant to 28 U.S.C. § 1446(a), the attached Exhibits constitute true and accurate copies of all process, pleadings, and orders served upon American General in the Civil Action to date, with the exception that redactions have been made to the Exhibits pursuant to Fed. R. Civ. P. 5.2. The Civil Action is still pending in the Circuit Court, and American General has, to date, not made an appearance in that action. To the best of American General's knowledge, no further action has occurred in the Circuit Court since the filing and service of the Summons and Complaint.

6. Pursuant to 28 U.S.C. § 1446(d), American General will file a Notice to Clerk of Filing for Removal with the Clerk of the Circuit Court. A copy of the Notice to Clerk of Filing for Removal is attached hereto as **Exhibit C**. Such notice will be served upon counsel for King.

7. In filing this Notice of Removal and Notice to Clerk of Filing for Removal, American General does not waive its rights to assert any defense or motion, including Rule 12 motions and/or motions to compel arbitration, permitted by the Federal Rules of Civil Procedure.

8. A civil cover sheet is attached hereto as **Exhibit D**.

9. No previous application has been made for the relief requested herein.

WHEREFORE, American General removes the Civil Action now pending in the Circuit Court to the United States District Court for the Western District of Tennessee.

Respectfully Submitted,

By: /s/ Overton Thompson III
Overton Thompson III (BPR # 11163)
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*Attorneys for Defendant, American General Life
Insurance Company*

CERTIFICATE OF SERVICE

The undersigned certifies that a true and exact copy of the foregoing document has been forwarded, via regular U.S. mail, postage pre-paid, to the following on December 18, 2013:

Ricky E. Wilkins, Esq.
Sharon Harless Loy, Esq.
Law Offices of Ricky E. Wilkins
The Shrine Building
66 Monroe Avenue, Suite 103
Memphis, Tennessee 38103

Attorneys for Plaintiff Vickie King

/s/ Overton Thompson III